

REMARKS

Applicants respectfully request reconsideration and allowance of the present application. All of the pending claims are believed to be patentable over the cited references.

Claims Status

This response cancels claims 50 and 57-64 without prejudice or disclaimer. After entry of this response, claims 24 – 28, 39 – 40, 42 – 49 and 51 - 55 remain pending.

Response to Claim Objections

Claim 50 has been canceled.

Rejections Under 35 U.S.C. § 102(e)

Applicants respectfully traverse and request withdrawal of the rejection of claims 24 – 28 and 45 - 55 under Section 102(e) as allegedly being anticipated by U.S. Patent Application Publication 2004/0224710 (“Koskelainen”). Submitted herewith is a Rule 131 Declaration of co-inventor Christopher Wilson that establishes that the claimed invention was actually reduced to practice prior to the effective date of the Koskelainen reference. The effective date of the Koskelainen reference is May 7, 2003. The facts presented in the Rule 131 Declaration and the computer source code contained in Exhibits 1 - 3 of the Rule 131 Declaration establish that the inventors had successfully built and operated a chat system that included all of the features recited in claims 24 – 28 and 45 -55 prior to May 7, 2003. Thus, Koskelainen is not effective as prior art against the claimed invention, and therefore, claims 24 - 28, 45 – 49 and 51 -55 are patentable over Koskelainen.

Claims 39 – 40 and 42 – 44 stand rejected under Section 102(e) allegedly being anticipated by US Published Patent Application 2004/0015548 A1 (“Lee”). Applicants respectfully traverse this rejection and request its withdrawal because those teachings of Lee applied by the Examiner are not prior art against the current application. In particular, all of the material parts of Lee cited by the Examiner as prior art teachings

appear identically in the common parent U.S. applications, and thus, those sections of Lee do not constitute prior art against the current application because that subject matter gets the same effective date as the parent applications, and the current application gets the effective dates of the parent applications by its claim as a continuation-in-part. Lee and the current application claim priority to the same two parent U.S. applications: 10/245,918 and 10/197,022. The following table shows the paragraphs and figures of Lee cited by the Examiner and the cross reference to where they appear in the common parent applications.

<u>LEE, CITED</u>	<u>PARENT APPL. 10/197,022</u>	<u>PARENT APPL. 10/245,918</u>
[0032-0033]	[0026-0027]	
[0068]		[0067]
[0059]	[0047]	
[0064]		[0063]
[0066]		[0065]
[0055]		[0054]
[0034]	[0028]	
[0040]	[0030]	
FIG. 10	FIG. 10	
FIG. 11	FIG. 11	
FIG. 12	FIG. 12	
FIG. 14	FIG. 14	

TABLE 1

The current application claims priority to the above two parent applications, and for the above-listed material teachings of Lee cited by the Examiner, the current application effectively has the filing dates of the patent applications, both of which pre-date the filing date of Lee. Thus, the teachings of Lee relied upon are not prior art against the current application, and therefore, claims 39 – 40 and 42 – 44 are patentable over Lee.


Conclusion

Each of the pending claims in this application is in condition for allowance and early notice to this effect is earnestly solicited. If, for any reason, the Examiner is unable to allow the application and feels that a telephone conference would be helpful to resolve any issues, the Examiner is respectfully requested to contact the undersigned attorney at the 520-760-8268.

No additional fee beyond the two-month extension of time and RCE fees is believed to be due with this response.

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Respectfully submitted,



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